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## **Social Inclusion in India: History, Shifts and Contemporary Jurisprudence**

*Evidence on human development outcomes suggests that structural inequities based on social identity persist. The caste system forms the basis of social and economic inequalities and normalises discrimination against the marginalised in India. Meanwhile, social exclusion based on other identities is also pervasive. The Constitution of India includes several provisions towards substantive equality as well as for preventive, promotive and participatory measures for ensuring inclusion. However, implementation has consistently fallen short of intent. Recent changes in the orientation of welfare policies such as reductions in budgets and increased privatisation dilute constitutional promises. Varied experiences and needs of marginalised communities must be recognised, with the allocation of adequate government resources to address inequalities, not out of largesse but as a fulfilment of the State's constitutional obligation towards social justice.*

# Social Inclusion in India: History, Shifts and Contemporary Jurisprudence

*Annie Namala and Aditi Anand*

*‘Political democracy cannot last unless there lies at the base of it social democracy.’<sup>1</sup>*

*‘... rights are nothing unless remedies are provided whereby people can seek to obtain redress when rights are invaded.’<sup>2</sup>*

Dr B.R. Ambedkar

## 3.1 Understanding social inclusion in the Indian context

Social exclusion takes various forms. Its nature, form and scope differ across contexts and are reflected in various socio-political systemic practices such as caste, colonialism and apartheid. The caste system excludes people from the same territory based on the values assigned by birth; colonialism excludes people in foreign territories based on the perceived superiority of one civilisation over another; and apartheid excludes people based on the colour of their skin. Nearly every society has

<sup>1</sup> Annihilation of Caste (1936).

<sup>2</sup> Constituent Assembly Debates 17 December 1946.

practised some form of exclusion and discrimination, often embedded in its social and institutional structures.

The term ‘social exclusion’ was first introduced by René Lenoir (1974), then France’s Secretary of State for Social Action, to describe marginalised groups excluded and unsupported by the social safety net. The concept soon took hold in developed countries, but there were concerns about its relevance to developing nations where the majority population lacked social protection coverage and development benchmarks were far from being met. This understanding was expanded through [Amartya Sen’s \(2000\)](#) elaboration of hidden and passive forms of social exclusion, evident in enduring prejudices and bias, discrimination, targeted violence, cultural erasure, weak implementation of targeted provisions, limited access to justice, minimal agency in public decision-making and continuing development inequalities.

The prevalence of a pervasive caste system in India has cemented the link between social and economic inequalities. For centuries, this has meant normalised and internalised discriminatory practices that denied marginalised communities ownership of assets, access to education and participation in public spaces. Based on learnings from sustained protests and strategic interventions by affected communities, the understanding of social exclusion in India has evolved and expanded to inform strategies for social inclusion in increasingly nuanced ways. There is, however, a need for constant vigilance to maintain, deepen and expand our understanding of an increasingly socially just world. India stands out in having laid down a robust constitutional framework to address the needs of a deeply stratified and unequal people and to aim towards an equitable and socially just society.

This chapter discusses the constitutional framework for social inclusion in India, followed by the specific interventions that exist to ensure protection, promotion and participation of socially excluded groups in the process of development. Towards the end of the chapter, we propose a 5R framework to promote social inclusion (Recognition, Respect, Representation, Reparation and Reclamation).

### **3.1.1 Evolution of social inclusion in India**

One of the founding ideas of Indian democracy, articulated by Dr B.R. Ambedkar, was that political rights are meaningless without social equality rooted in the principles of liberty, equality and fraternity. These principles were envisioned as interdependent ethical pillars: liberty enabling individuality, equality ensuring justice and fraternity fostering unity ([Meena 2025](#)).

Shaped by these emancipatory ideas, the Constitution adopted in 1950 committed itself to social justice and inclusion – imperfectly, but with integrated mechanisms to evolve and improve. It acknowledged the entrenched exclusions produced

by caste, tribe, gender and religion and the far-reaching inequalities they had generated. This constitutional spirit thus informed the legislation, schemes and policies that followed.

The exclusions continue: historically marginalised communities own little or no land, face unequal access to affordable, quality education and encounter restricted access to public spaces and infrastructure. The constitutional provisions of inclusion remain as critical as ever. They are categorised below as protective, promotional and participative measures.

### Protective measures

These provisions aim to protect affected communities from continued discrimination, violence and further exclusion. The Fundamental Rights (Articles 12–35) lay the constitutional foundation for equality, inclusion and safeguarding from violations, irrespective of an individual's social location. Article 17 explicitly abolishes untouchability and prohibits its practice in any form, marking a decisive break from over three thousand years of caste-based exploitation. The Constitution also details political, social and economic safeguards for the historically marginalised scheduled castes (SCs) and scheduled tribes (STs). Article 15 prohibits discrimination on the basis of social identities, including religion.

### Promotional measures

These provisions aim to promote rights and development of historically disadvantaged communities to address cumulative and continuing exclusions. They were framed around the recognition during Constitutional Assembly debates that formal equality<sup>3</sup> is not adequate for historically excluded communities and that affirmative action was required to achieve substantive equality. This led to reservations in education, employment and politics. Article 15(4) legitimises reservation in education and Article 15(5), introduced through the 93rd Amendment in 2005, extends this to private educational institutions. The importance of constitutional backing for such equity measures was underscored by the *Champakam Dorairajan* case in 1951, in which the Supreme Court struck down a caste-based seat allocation order as violative of Article 15(1). The judgment directly led to the First Constitutional Amendment in 1951, which added Article 15(4) to explicitly permit special provisions for socially and educationally backward classes.

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<sup>3</sup> *Formal equality* refers to declaring equality before law, policies or in institutional mechanisms, without providing the wherewithal to realise equality in real life. Formal equality does not recognise structural inequality as reflected in social, gender, economic and political power relations. *Substantive equality*, by contrast, means achieving equal outcomes by addressing different circumstances and providing what people in different contexts need to reach the same level of opportunity or well-being. India's legal and policy frameworks have scaffolded formal equality with special provisions for specific disadvantaged groups.

Article 16(4) provides for reservation in public employment. The Directive Principles of State Policy (Article 36–51) further anchor the promotion of social and economic justice. Articles 29 and 30 mandate protection of minority interests (religion, language, script and culture) and the right to access education in state or minority institutions. Article 46 mandates promotion of the educational and economic interests of SCs, STs and other weaker sections. The constitutional framework permits reservation on grounds of social and educational backwardness, but not based on religion alone.

The Constitutional (Scheduled Castes) Order, 1950, originally restricted SC status to Hindus, and was subsequently amended to include Sikhs and Buddhists. Social hierarchies among Muslims were formally recognised by the Kalelkar Commission in 1955 – qualifying many Muslim communities for other backward castes (OBC) status – and the Mandal Commission in 1980 designated around two hundred Muslim communities as OBCs. The Sachar Committee in 2006 reported that Muslims rank amongst the most economically, educationally and socially backward sections of Indian society. A key recommendation of the Ranganathan Misra Commission in 2007—to extend SC status to Dalit converts to Christianity and Islam—remains unimplemented.

### **Participative measures**

These provisions aim to enhance the participation of historically marginalised communities in decision-making. The Constitution mandates reservation in representation in the Lok Sabha (Article 330) and the state legislative assemblies (Article 332). The 73rd and 74th Amendments conferred constitutional status on rural panchayats, urban municipalities and local bodies, extending reservations and making governance more participative through decentralisation. The Panchayat Extension to Scheduled Areas (PESA) Act, 1996, further empowered tribal communities through self-governance by granting special powers to the gram sabha.

Over the decades, several legal frameworks have been adopted to realise these constitutional principles. The complexity of social exclusion – its causes and consequences – demands continuous attention to its less visible dimensions. Marginalised communities have raised demands for reservation in education and private sector employment. Even other spheres such as the media, literature, curriculum and historical records offer further spaces where social justice and inclusion can be intentionally advanced.

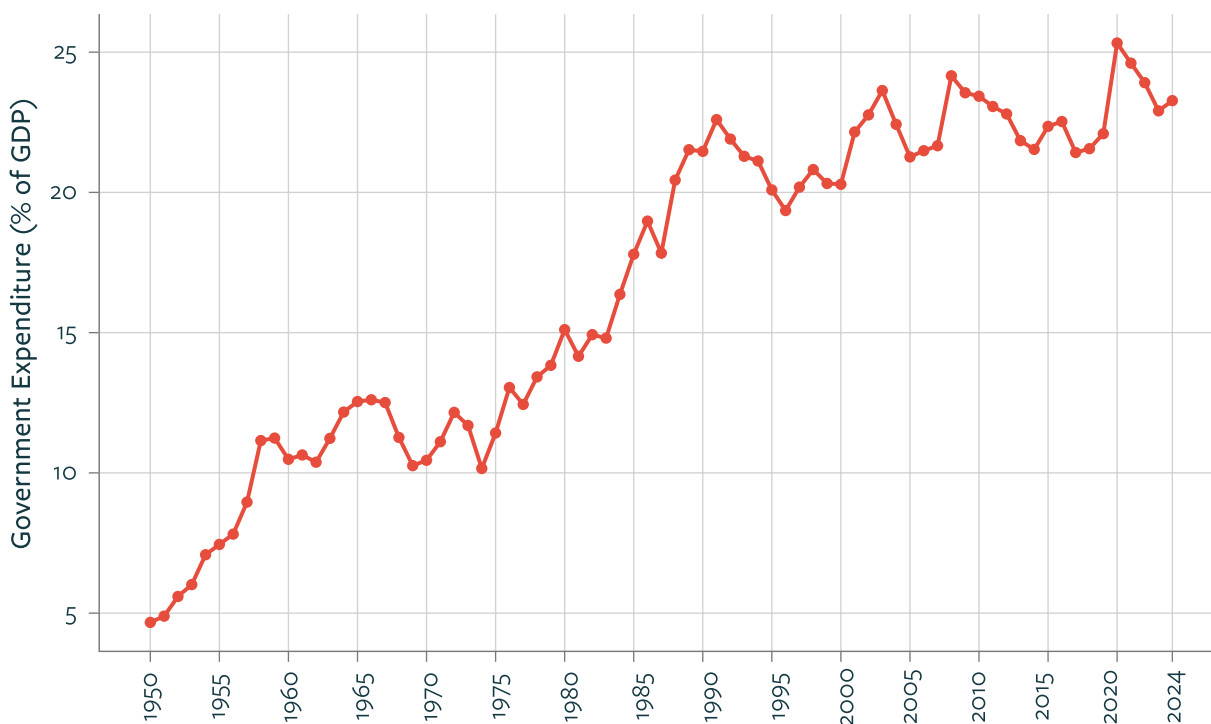
### **3.1.2 Shifts in inclusive policy making**

The Planning Commission, set up in 1950 as an executive body, had a broad mandate to plan and monitor socio-economic growth in India. It was responsible for assessing national resources, formulating Five-Year Plans, setting developmental

priorities, allocating resources across sectors and ministries, monitoring implementation and advising the government on policy. Parallel state-level planning bodies were also established. Initially, the Five-Year Plans were designed along broad themes such as agriculture, industrialisation and transportation. In time, however, it became clear that this generalised approach was unable to address deepening regional and social disparities. Targeted policies, budgets and tracking mechanisms were evolved in response.

NITI Aayog, which replaced the Planning Commission in 2015, was conceived as a government think tank, premised on the idea that since government expenditure played only a minority role in the GDP, the need for a centralised planning agency was diminishing. This was part of an attempt to shift to a new paradigm that departs from viewing the government as the sole driver of development and social inclusion to increasingly frame development as a collaborative enterprise where government is one among many actors. This is evidenced also by flattening public expenditure, which has lingered around 22-23 per cent since 2001 onwards, except for a slight increase during the COVID-19 pandemic years (Figure 3.1). Designed to bring different stakeholders together for deliberation, unlike its predecessor, NITI Aayog lacks the institutional authority to enforce actions, ensure convergence between ministries, allocate funds or question underutilisation (Aiyar 2025).

**Figure 3.1: Government expenditure as a share of GDP (Centre and states combined)**



Sources and notes: IMF World Economic Outlook Database

With the dismantling of the Planning Commission came the merger of plan and non-plan budgets and an effective transition from a targeted to a universal approach to development. The Supreme Court's 2022 ruling upholding the 10 per cent reservation in government jobs and educational institutions for the 'economically weaker sections' (EWS) – while explicitly excluding SCs, STs and OBCs from its scope – further reinforces past exclusions. As the dissenting judgment noted, among the population living below the poverty line, 38 per cent are SC, 48.4 per cent are ST and 13.9 per cent are OBC (Rajagopal 2022). Effectively, only 5.8 per cent of those below the poverty line are eligible for this 10 per cent reservation. While reservation on grounds of economic deprivation is constitutionally feasible, the exclusion of historically marginalised communities from its scope highlights a shift towards a more generalised and less intersectional approach to development.

This shift parallels a broader reconceptualisation of marginalisation. Current discourse increasingly speaks of 'new castes' comprising youth or women, reframing exclusion through categories disconnected from India's specific realities of caste-based oppression and religious discrimination. Such language risks creating false equivalencies: a young person from a dominant caste facing unemployment confronts different systemic barriers than a young Dalit or Muslim youth navigating both economic challenges and identity-based discrimination in hiring, housing and social mobility. This shift manifests in an emphasis on entrepreneurship, skill development and self-help groups – valuable initiatives, but insufficient when divorced from acknowledgement of structural barriers.

The planning commission had established a critical accountability loop: planners and community mobilisers in each state and national unit, engaged with target communities, academics, experts and civil society organisations, ensuring that feedback from communities could be consistently channelled into policy. NITI Aayog did not inherit this institutional machinery and lacks the human resources to function similarly; the role of gathering community inputs has been outsourced to private consultancies, leaving that accountability loop broken. This is also indicative of two broader shifts that have shaped recent policy discourse in India: – a wave of privatisation and a shrinking civic space. Competitive regulations have given way to relatively unchecked privatisation, even in human development sectors such as education and healthcare where marginalised communities have historically depended on public provisioning. The balance that earlier came from maintaining regular feedback from civil society has also been disrupted, with rights-based advocacy organisations facing increasing operational challenges owing to revised compliance policies.

### 3.1.3 Investing in fraternity for inclusive futures

Fraternity – one of the three foundational principles articulated by Dr Ambedkar – transforms democracy into a system of ethical relationships based on mutual respect (Ambedkar 2014). In the Constitution, it is recognised in the Preamble and in Article 51A, which enjoins every citizen to promote harmony and the spirit of common brotherhood. Fraternity transcends caste, religion and region, binding citizens in the moral unity necessary for sustaining democratic life (Omvedt 2004). It transforms the political principle of equality into a social sentiment of solidarity, making democracy both a legal order and a moral fellowship (Jaffrelot 2005).

#### The Indian Constitution on Fraternity and Equality

##### Article 51A (e)

‘to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women’

##### Article 14

##### Equality before law

‘The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.’

The constitutional promise of social inclusion cannot be fully realised through liberty and equality alone. While these principles can be institutionalised through legal frameworks and rights-based mechanisms, fraternity demands a fundamentally different approach; one rooted in ethical consciousness and social empathy. As the Supreme Court acknowledged in *Indra Sawhney v. Union of India*, persistent inequality inherently precludes unity between social groups, making fraternity unattainable without substantive equality of opportunity. The 2011 decision of the Supreme Court in *Nandini Sundar v. State of Chhattisgarh* offers a further development by situating fraternity within constitutional reasoning and establishing it as integral to constitutionalism itself.

Promoting social inclusion, therefore, goes beyond governance and institutional mechanisms. It envisions inclusion in civic and community life where marginalised and non-marginalised populations can interface, engage, cooperate and collaborate without discrimination. Public education among non-marginalised populations to build understanding

and empathy, the availability of common spaces for fear-free informal interaction, and strategic opportunities for joint effort all deserve greater attention. Continuous academic and community enquiry into evolving forms of discrimination and disadvantage is necessary to build contextualised responses. Constitutional provisions can create structures for liberty and equality, but fraternity necessitates ongoing social transformation through education, dialogue and the conscious dismantling of prejudice. Only through such sustained attention to fraternity can India’s constitutional vision of an inclusive society be meaningfully achieved, transforming legal guarantees into a lived social reality.

## 3.2

## Social inclusion mechanisms in India – What worked, what did not and who was left behind

Over seven decades of independent governance, India has developed an elaborate architecture of protective legislation, promotional schemes and participatory mechanisms intended to redress historical injustices and create pathways to substantive equality. Yet systemic exclusions persist, resources fail to reach intended beneficiaries, and entire communities remain absent from the national development agenda.

This section examines India's social inclusion landscape through selected mechanisms to assess what has worked, where implementation has faltered and, crucially, who continues to be left behind. The analysis reveals not only implementation gaps but also structural challenges embedded in how social inclusion policy is conceived and executed. Understanding these patterns is essential to reimagining an approach to inclusion that better serves marginalised communities.

## 3.2.1

### Protective mechanisms

#### Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

The enactment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (SC/ST PoA Act), followed the realisation that existing laws – such as the Protection of Civil Rights Act, 1955 – were proving inadequate to check continuing gross indignities and systemic violence (Acharya and Acharya 2020). By the 1980s, increasing education and awareness of constitutional rights and entitlement among Dalits<sup>4</sup> and Adivasis<sup>5</sup> had led to greater assertion of identity, which in turn irked the dominant castes and triggered violence aimed at preserving existing hierarchies (Saxena 2018).

In 1978, a Dalit procession in Agra was attacked with bricks and stones as it entered a dominant-caste neighbourhood; in 1980, a demand in Hathras that Dalit youth be served in the same utensils as others sparked targeted violence in which shops were looted, cattle killed, and houses burnt. Political changes in Andhra Pradesh in 1983 led to a surge in atrocities, including the 1985 Karamchedu massacre – in which a Kamma mob killed six and grievously injured twenty Madiga Dalits – and the 1991 Tsundur carnage, in which ten members of the Mala community were killed. In Maharashtra, the *Patit Pawan Sangathan* conducted major attacks on Adivasi settlements in Dhulia in 1983–84. Records show that atrocities against Dalits

<sup>4</sup> The term 'Dalit' means 'oppressed', 'broken' or 'crushed'. Adopted by people otherwise referred to as Harijans or 'Untouchables', it has come to symbolise a movement for the eradication of centuries-old caste-based oppression. In legal and constitutional terms, Dalits are known in India as the Scheduled Castes.

<sup>5</sup> 'Adivasis' is the collective name for the indigenous peoples of India, deriving from the Hindi word *adi* (of earliest times) and *vasi* (inhabitant). Officially designated Scheduled Tribes, the term was coined in the 1930s as part of a political movement to forge a collective identity.

and Adivasis rose from 1,089 in 1966 to 5,969 in 1977; while the general crime rate fell by 10 per cent, atrocities against these communities rose by 41.9 per cent and murders increased by 100 per cent (Shakir 1982).

These were not isolated incidents but reflective of systemic violence, underscoring the need to protect the right to life and livelihood of Dalits and Adivasis, and ensure dignity through institutional mechanisms. The 1989 Act established criminal liability for twenty-two specific atrocities and created special courts for trials. It has since evolved through several amendments. The 1995 rules provided procedural substance that the Act initially lacked, establishing mandatory district and state monitoring and vigilance committees, requiring investigations by officers of at least Deputy Superintendent of Police rank and introducing a structured schedule for victim relief and rehabilitation tied to specific milestones in the legal process (Acharya and Acharya 2020). These guidelines were informed by a year-long mobilisation by Dalit leaders, including a nationwide ‘Chalo Dilli’ campaign led by then member of parliament Shri Ram Vilas Paswan, following the Tsundru massacre.

An Amendment in 2015 (enforced in 2016) significantly broadened the law’s scope expanding categories of atrocities from 22 to 47, introducing Section 4 to make the *wilful neglect* of duties by public servants a punishable offence and adding a dedicated chapter on the rights of victims and witnesses (Saxena 2018). Another amendment in 2018, followed a Supreme Court ruling<sup>6</sup> that diluted the law by mandating preliminary inquiries before registration of a First Information Report (FIR) and allowing anticipatory bail. Following protests and mobilisation by Dalit leaders, Parliament swiftly enacted Section 18A, which expressly nullified these judicial directives, reaffirmed that no preliminary inquiry is required for registration of an FIR and restored the absolute bar on anticipatory bail under Section 438 of the Code of Criminal Procedure (CrPC), 1973 for offences under the Act, a provision intended to prevent the accused from tampering with evidence or threatening victims. This was eventually upheld by the apex court.<sup>7</sup>

This chapter is being written amid a further apparent wave of evolution of this seminal legislation. Recent judicial decisions have interpreted the law in ways that elevate the threshold for proving offences and risk undermining its foundational purpose (Huchhanavar 2024). Current jurisprudence has introduced a requirement for caste-specific intent beyond mere knowledge of a victim’s caste;<sup>8</sup> and the requirement that an offence occur ‘in any place within public view’<sup>9</sup> has

<sup>6</sup> Dr Subhash Kashinath Mahajan v. State of Maharashtra, 2018.

<sup>7</sup> In Prathvi Raj Chauhan v. Union of India, 2020, the Supreme Court upheld Section 18A but introduced an exception allowing pre-arrest bail in *very exceptional* cases to prevent miscarriage of justice where the complaint does not *prima facie* make a case.

<sup>8</sup> Dashrath Sahu v. State of Chhattisgarh, 2024, Bhawana Gupta v. State of Punjab, 2024, Keshaw Kumar Mahato v. State of Bihar 2026.

<sup>9</sup> In Swaran Singh v. State through Standing Counsel, 2008, the Supreme Court ruled that the place of the crime must be visible to the public.

been narrowly interpreted to exclude incidents occurring within the four walls of a building – such as homes<sup>10</sup> and staff rooms<sup>11</sup> – on the ground that these are private spaces.

### 3.2.2 Promotional mechanisms

#### Scheduled Caste Sub-Plan (SCSP) and Tribal Sub-Plan (TSP)

With the Fifth (1974–1979) and Sixth (1980–1985) Five-Year Plans, planning transitioned to more targeted interventions for STs and SCs. The TSP and the SCSP (previously the Special Component Plan) were introduced with funds proportionate to population. TSP funds were allocated to projects and schemes where tribal communities resided, based on a needs assessment for each region and community. For SCs, who are geographically dispersed, funds were earmarked across ministries with physical targets set for monitoring. Interventions spanned education (through scholarships), economic empowerment (through income and employment-generating avenues, including entrepreneurship) and housing.

Implementation consistently fell short of intent. A Central Standing Tripartite Committee established in May 1999 identified systematic violations: states quantified funds only from divisible sectors; plan outlays did not reach SC habitations; priority sectors such as education and health were not planned according to need; large infrastructure projects with no direct benefits to SCs were counted under SCSP; and allocations were often merely notional. Funds were not released on time, utilisation in many states was less than half of the allocated amounts, and SCSP funds were diverted to general sectors due to the absence of proper budget heads (Planning Commission 2006). In 2006, the Union government made budgetary allocations under the plans non-divertible and non-lapsable. Yet significant gaps persisted: for instance, the Delhi government was found to have diverted ₹744 crore between 2006 and 2010 from the SCSP to projects related to the Commonwealth Games (The Times of India 2010).

The Narendra Jadhav Task Force in 2010 examined challenges in fund utilisation under both sub-plans and recommended remedial actions. It categorised ministries into four groups –the first group was under no obligation to earmark funds as they were unable to quantify community-specific benefits and the other three were defined according to varied requirements to allocate defined proportions to targeted SC/ST schemes. As a result, forty ministries began reporting on TSP/SCSP

<sup>10</sup> In Hitesh Verma v. State of Uttarakhand, 2020, the complainant, a Dalit woman, alleged that four dominant-caste men entered her house under construction, abused her and her husband, gave death threats, and also took away the construction material. The Supreme Court reasoned that remarks made within the four walls of a building would not constitute an offence under the Act. See also Rajinder Kaur v. State of Punjab, 2023.

<sup>11</sup> In Ashutosh Tiwari v. The State of Madhya Pradesh, 2023, the Madhya Pradesh High Court held that a staff room does not qualify as a public place, thereby not meeting the criteria for intentional humiliation in any place within public view.

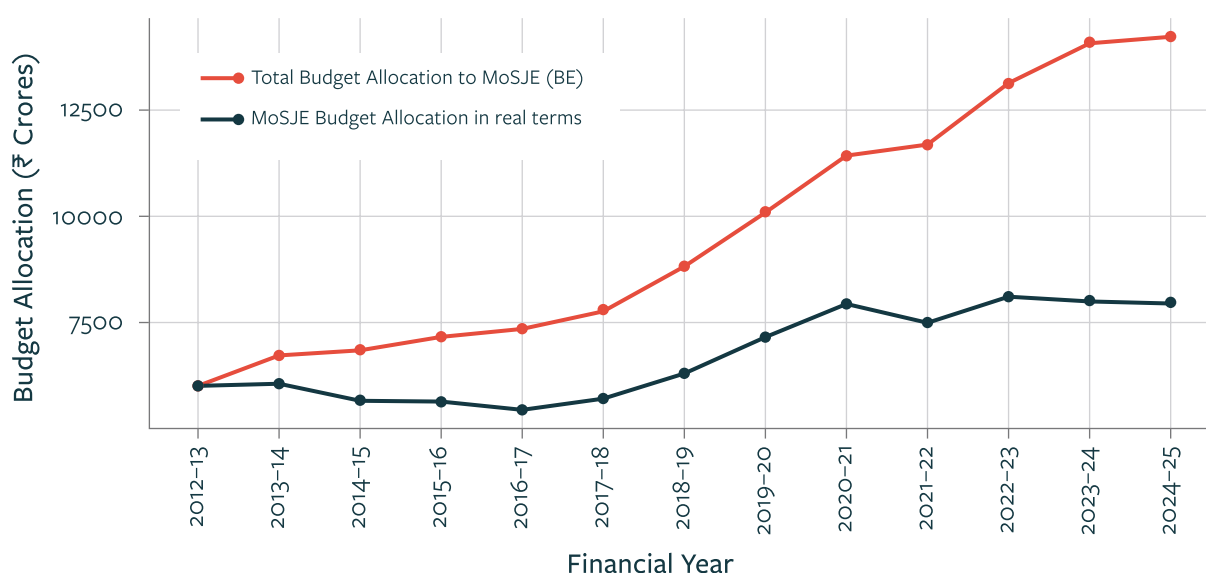
utilisation, compared with only the Ministry of Social Justice and Empowerment and the Ministry of Tribal Affairs previously.

The Planning Commission's dismantling in 2015 and the merger of plan and non-plan<sup>12</sup> budgets from 2017–18 fundamentally altered this architecture. NITI Aayog's 2017 guidelines rechristened SCSP as Development Action Plan for Scheduled Castes (DAPSC) and STSP as Development Action Plan for Scheduled Tribes (DAPST), shifting from the earmarking of funds for identified targets to overall scheme allocations under centrally sponsored schemes and central sector schemes.

The impact is evident in the numbers. Only 30 of 236 schemes under DAPSC are genuinely targeted at SCs, and only 31 of 244 schemes under DAPST are targeted at STs; the majority of funds are allocated to general sector programmes with notional benefits. In 2025–26, DAPST allocations reached 8.2 per cent of the total budget, but only 3.3 per cent was directed at targeted schemes; between 2015–16 and 2024–25, targeted schemes accounted for merely 35.6 per cent of TSP allocations. While allocations for SCs should be 16.8 per cent of the total budget based on their share in the population; only 10.7 per cent was made, with a mere 3.9 per cent for targeted interventions in 2025–26 (NCDHR 2025).

Additionally, while allocations for the Ministry of Social Justice and Empowerment<sup>13</sup> have increased in absolute terms, they have been stagnant in real terms (Figure 3.2).

**Figure 3.2: Budget allocation to Ministry of Social Justice and Empowerment (MoSJE)**



Sources and notes: Expenditure Statements of Union Budget of India

Real terms calculated using Consumer Food Price Index (CFPI) inflation rates with 2012 as base year

<sup>12</sup> Plan Expenditure funded new developmental schemes under Five-Year Plans; Non-Plan Expenditure covered routine and maintenance costs (salaries, defence, interest) for existing services.

<sup>13</sup> Responsible for drafting the SCSP bill aimed at addressing persistent underfunding and diversion of sub-plan funds to general schemes.

## Legislation recognising rights of STs

The ST community faces distinctive challenges arising from geographical isolation and forest dependence. The Forest Rights Act (FRA), 2006, represents a landmark legislation that legally vests decision-making powers in gram sabhas to rectify historical dispossession. It recognises individual and community forest rights and institutionalises the right to protect and conserve forests through a three-tier verification structure: forest rights committee at the gram sabha level, sub-divisional level committee and district-level committee.

Complementing this framework are also recent central schemes: Pradhan Mantri Janjati Adivasi Nyaya Maha Abhiyan (PM-JANMAN), launched in November 2023, which focuses on the seventy-five communities categorised as Particularly Vulnerable Tribal Groups (PVTGs) and aims to enhance their socio-economic conditions through basic facilities; and Pradhan Mantri Janjatiya Vikas Mission (PMJVM), a central sector scheme to promote livelihood-driven development among tribal communities.

Despite these efforts, implementation falls significantly short as nearly half of the ST population continues to live in extreme poverty. The FRA's impact remains limited by uneven implementation and government actions that frequently undermine its objectives, resulting in large numbers of rejected claims. PM-JANMAN, despite clearly defined targets, has seen only a small fraction of approved housing units completed, with many habitations still lacking piped water. The Dharti Aaba Janjatiya Gram Utkarsh Abhiyan (DA-JGUA), allocated ₹2,000 crore in 2024–25 (NCDHR 2025), risks undermining the FRA's primary legislative intent by enabling faster infrastructure clearances and commercial investments at the cost of community control and turning forest rights data into a tool for land commodification (Sethi 2023; Bijoy 2024).

### 3.2.3 Participative mechanisms

The constitutional and legislative framework establishes multiple avenues for citizen participation, with specified reservations for SCs, STs and women. The 73rd and 74th Constitutional Amendments created legal frameworks through panchayati raj institutions and urban local bodies for decentralised governance. The Women's Reservation Bill<sup>14</sup> is set to mandate 33 per cent (one-third) reservation of seats in the Lok Sabha and state assemblies for women. Vigilance and monitoring committees under the SC/ST PoA Act, 1989, the Public Distribution System, the Integrated Child Development Services, mid-day meals and health missions include civil society representation. Public hearings are mandated under the Environmental

<sup>14</sup> The bill will be enacted in conjunction with the results of the next census and the subsequent nationwide delimitation exercise.

Impact Assessment and school management committees operate under the Right to Education Act.

Implementation, however, faces serious challenges. While representatives are elected, their functioning is undermined by bureaucratic decision-making on agenda items, resource allocation and fund disbursal. Bureaucratic support systems like the panchayat secretary make decisions on behalf of elected representatives. Consultations, community mobilisation and social audit mechanisms on programmes are patchy across programmes and states undermining the intention behind participative mechanisms.

Realising fuller participation across governance systems would require attention to foundational structural conditions, including the extent of fiscal and administrative authority devolved to local levels.

**Box 3.1: Tools for social justice - Measures and mechanisms**

<p><b>Protective</b></p> <p>Article 15- prohibits discrimination on grounds of social identity</p> <p>Article 17 - abolished untouchability and prohibited its practice in any form</p> <p>Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act - to check indignities and systemic violence</p>	<p><b>Participative</b></p> <p>Article 330 and 332 - reservation in representation in Union and state assemblies respectively</p> <p>Panchayat Extension to Scheduled Areas (PESA), Act, 1996 - designed to empower tribal communities through self-governance by giving special powers to Gram Sabha.</p> <p>73rd and 74th Constitutional Amendments - legal frameworks for decentralised governance with reservation for SC/ST communities and women</p>
<p><b>Promotional</b></p> <p>Article 15 (4) - reservation in education</p> <p>Article 16 (4) - reservation in public employment</p> <p>Articles 29 and 30 - protection of minority interests; right to access education in state or minority institutions</p> <p>Article 46 - promotion of educational and economic interests of SC, ST and other weaker sections</p>	<p>Development Action Plan for SCs (DAPSC) and Development Action Plan for STs (DAPST) - to earmark budget towards welfare and development of SC, ST communities</p> <p>Forest Rights Act - recognises the rights of traditional forest dwelling communities on forest land and resources</p> <p>Pradhan Mantri Janjati Adivasi Nyaya Maha Abhiyan (PM-JANMAN) - basic facilities for socio-economic development of Particularly Vulnerable Tribal Groups (PVTGs)</p> <p>Pradhan Mantri Janjatiya Vikas Mission (PMJVM) - facilitate and promote livelihood opportunities for the tribal population</p>

### 3.2.4 Social inclusion initiatives run by states

#### Dalit Bandhu Scheme, Telangana

The Dalit Bandhu Scheme, initiated by the former Telangana Rashtra Samithi (TRS; now Bharat Rashtra Samithi, BRS) government under Chief Minister K. Chandrashekar Rao (KCR), was conceptualised as the state's largest direct benefit transfer programme for the comprehensive economic and social empowerment of SC households. The scheme provides ₹10 lakh to each eligible<sup>15</sup> household for establishing micro-enterprises across six sectors: agriculture, transport, manufacturing, retail, services and supplies and animal husbandry. It is implemented through the Telangana Scheduled Castes Co-operative Development Corporation.

The scheme was piloted in Huzurabad district in saturation mode,<sup>16</sup> before expanding to 100 beneficiaries per district (11,837 total) in phase one. Initial selection through MLA recommendations was subsequently replaced by district collector-led committees following allegations of political interference and corruption. Studies show significant positive outcomes. In Yadadri Bhuvanagiri district, average incomes rose 2.5 times – from ₹1.14 lakh to ₹2.92 lakh (Satpathy and Deep 2023). In Huzurabad, 44 per cent of households reported income increases of over 50 per cent, with 11 per cent seeing over 100 per cent growth (Centre for Economic and Social Studies 2023). The scheme reduced the Dalit-non-Dalit asset ownership gap by 25 per cent for key durables, decreased caste conflict reporting by 40 per cent among Dalits and 30 per cent among non-Dalits, and generated employment for over 23,000 workers.

The scheme has also attracted criticism. It made minimal impact on caste-based segregation norms, and non-Dalit respondents in treated constituencies were observed to become significantly less supportive of affirmative action for Dalits in government jobs, education and subsidised credit. Phase-wise beneficiary selection created a sense of 'double deprivation' among those not yet included, potentially disrupting intra-community cohesion. These criticisms must be addressed to sustain and expand the scheme's impact, but they do not diminish the substantial gains it has achieved.

#### Residential schools for SC and ST children in Andhra Pradesh

Residential Schools for SC and ST children in Andhra Pradesh are managed by the Andhra Pradesh Social Welfare Residential Educational Institutions Society (APSWREIS) and the Andhra Pradesh Tribal Welfare Residential Educational Insti-

<sup>15</sup> Applicants must belong to the SC community, be Telangana residents aged 25–50, have an annual income below ₹2.5 lakh, own less than three acres of agricultural or one acre of residential land, and have passed the 10th standard. They should not have availed other government loans, must have a viable business plan, and must contribute 10 per cent of the project cost. Families with professionally qualified members are ineligible.

<sup>16</sup> 'Saturation mode' means that all eligible citizens in the area are beneficiaries of the scheme.

tutions Society (APTWREIS, known as ‘Gurukulam’), respectively. Both focus on measurable academic outcomes through quality education, technology integration and specialised coaching.

The 2025 examination cycle shows notable success: APSWREIS’s Dr B.R. Ambedkar IIT-NEET Centres saw 129 of 176 students qualify in JEE Main and Advanced, and 143 of 180 qualify in NEET, with 55 securing seats in IITs, NITs, and MBBS programmes. The system achieves higher pass rates than state averages and facilitates SC/ST students’ access to private institutions. Curriculum includes sports, career counselling and mental health initiatives.

The model is not without challenges. With only 500 students receiving specialised coaching out of over 10,000 in the system, scalability is a concern. Critics argue that the emphasis on flagship and ‘model’ schools leads to neglect of regular government school infrastructure. The practice of ranking and transferring ‘meritorious’ students – where merit correlates with socioeconomic status – creates disparities in educational equity. Infrastructure gaps, inadequate teachers and language barriers between the medium of instruction and ST students’ mother tongues remain unaddressed.

### **3.2.4 Costs and consequences of absent social inclusion measures**

#### **Denotified and Nomadic Tribes**

The marginalisation of nomadic communities in India—later categorised as Denotified and Nomadic Tribes (DNTs)—was decisively entrenched under British rule by the Criminal Tribes Act (CTA) of 1871. Before its enactment, these communities – who moved across the subcontinent earning livelihoods through livestock rearing, service provision, cultural handicrafts and performances, and hunting and gathering – were socially respected and commonly enjoyed royal patronage. Their nomadic nature, seamless mobility across forests, physical prowess owing to generations of warfare and adaptability were perceived by the colonial state as threats to its efforts to exploit India’s natural and human resources, leading to the systematic labelling of such communities as ‘thugs’ and ‘thieves’. The CTA formalised this process by ascribing ‘criminal traits’ to certain communities by birth, thereby legally stripping them of their civil liberties.

The CTA was repealed in 1952 and these communities were formally ‘de-notified’; many continued to reside in isolated hamlets or walled, policed enclosures and only discovered that India was independent two years after the new Constitution was adopted. Having been absent from the dialogues that informed constitutional thought on social inclusion, their specific challenges were not addressed in the founding document. They were subsequently added to SC, ST and OBC lists

at the discretion of individual states, depending on where each community was deemed to fit. Reports by the Renke Commission (2008) and the Idate Commission (2017) have described DNTs as the ‘poorest among the poor’ and ‘most downtrodden’, clearly establishing that their absorption into existing administrative categories has not translated into empowerment.

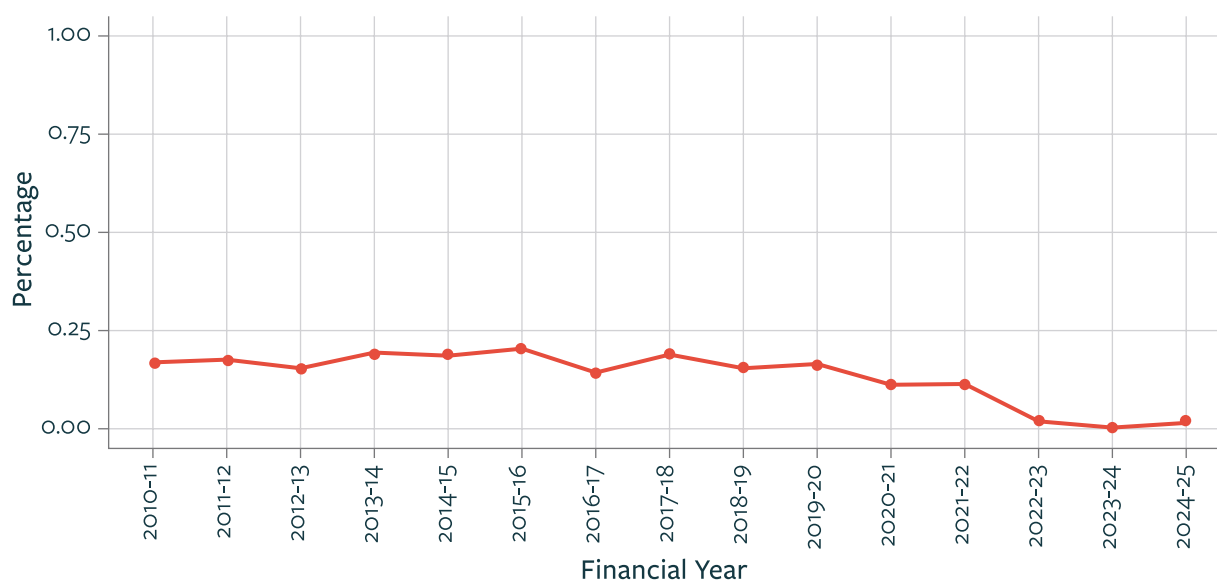
Some estimates suggest that DNT communities constitute approximately 140 million people. As of 2025, the sole national targeted intervention is the Scheme for Economic Empowerment for DNTs (SEED), which provides coaching for competitive examinations, health insurance, financial assistance for housing and livelihood support. It received barely ₹40 crore in 2025–26 allocations ([Press Information Bureau 2025](#)). This neglect is compounded by the absence of reliable population data, inadequate institutional mechanisms for outreach, and a superficial understanding of DNT cultures, leading to ineffective interventions and continued marginalisation.

The Habitual Offenders Act, which replaced the CTA, sought to shift the focus from communities labelled as ‘criminal tribes’ to individual ‘habitual offenders’. In practice, however, individuals from the same communities continued to be criminalised and carry the stigma imposed under colonial law. Police training manuals have not been updated to reflect this shift, and laws governing wildlife protection, livestock trading, snake catching and liquor production have been framed with little recognition of community knowledge or practice. Ongoing documentation efforts by the Anthropological Survey of India and Tribal Research Institutes seek to categorise DNTs and recommend their inclusion in existing SC, ST, or OBC lists. However, absorbing them into existing categories rather than recognising them as a distinct broad category will continue their exclusion and marginalisation. The multi-fold challenges DNTs continue to face – and their persistent absence from India’s development agenda – are a testament to the necessity of targeted interventions for any meaningful degree of inclusion.

## **Muslims**

The homogenous identity of Muslims during the Constituent Assembly debates obscured caste-like structures within the community. Subsequent commissions have consistently highlighted poor education outcomes, high poverty rates, unemployment and extreme vulnerability among Muslim communities. A large proportion of Muslims have been covered under the OBC category following the Mandal Commission, enabling access to reservation in education under Article 15(4) and in public employment under Article 16(4). States like Kerala, Tamil Nadu, Karnataka, Andhra Pradesh and Telangana have created sub-categories for Muslim reservation under the OBC quota.

**Figure 3.3: Ministry of Minority Affairs budget as % of total government expenditure**



Sources and notes: Expenditure Statements of Union Budget of India

The Ministry of Minority Affairs (MoMA), set up in 2006 and separate from the Ministry of Social Justice, serves as the nodal agency for minority welfare policies. Under successive governments, several schemes were evolved to address educational backwardness and marginalisation among the community, including the Prime Minister’s 15-Point Programme for Minorities, the Multi-sectoral Development Programme, schemes to enhance madrasa education, the Maulana Azad National Fellowship (MANF) and the Maulana Azad Education Foundation (MAEF).

Since about 2017, however, minority inclusion has been progressively de-prioritised. MoMA’s share of the total Union budget has declined sharply, accompanied by severe fund utilisation issues (Figure 3.3). The MANF, which provided financial assistance to minority students pursuing MPhil and PhD, was discontinued in 2022 on grounds of an overlap with other schemes. The MAEF, on the other hand, was established as a voluntary, non-political, non-profit social service organisation, fully funded by MoMA to promote education among educationally disadvantaged minorities. This foundation, which provided grant-in-aid to develop and expand educational institutions serving minority communities, saw its funding fall from ₹90 crore in 2020–21 to ₹1 lakh in 2022–23. In February 2024, MoMA issued an order to close the foundation without public explanation. Educational scholarship programmes (Pre-Matric, Post-Matric and Merit-cum-Means) remain the primary intervention for Muslim students, though these too have faced inadequate and reduced funding.<sup>17</sup>

<sup>17</sup> Scholarship schemes include pre-matric scholarships for minority students in Classes 1–10, available to those from families with an annual income below ₹1 lakh and who secure at least 50 per cent marks. Post-matric scholarships are available from Class 11 onwards for students from families with an annual income below ₹2 lakh. Merit-cum-means scholarships are also provided for higher education. Detailed eligibility criteria and benefit structures vary across schemes and have been periodically revised.

Beyond welfare schemes, Muslims face a pattern of violence, mob attacks and hate crimes. Arbitrary demolitions of mosques and residential properties have created a climate of insecurity (Dasgupta 2024; Mateen and Pasha 2023). Legislative changes raise further concerns: the Citizenship Amendment Act (CAA), 2019, has been criticised for religious discrimination (Apoorvanand 2024; Amnesty International 2024); the Waqf Amendment Bill, 2024, raises minority rights concerns (Siddiqui 2025); and the Uttarakhand Uniform Civil Code specifically targets Muslim personal law (Salam 2024). Voter disenfranchisement is an emerging concern, with Muslims reportedly among the primary targets of registration manipulation leading to mass deletion of names from electoral rolls.

### 3.3 Overarching challenges

Several critical intervention priorities emerge across all marginalised communities. First, budgetary reform is essential: the transition from notional to genuinely targeted allocations must be accompanied by transparent tracking mechanisms to ensure funds reach intended beneficiaries rather than being absorbed by general schemes. Independent monitoring bodies with representation from affected communities are needed, moving beyond currently non-functional mechanisms to establish robust oversight of scheme delivery and outcomes. Second, a fundamental shift from welfare to rights-based frameworks is required, particularly regarding forest rights, land rights and protection from discrimination. Social inclusion is not charity but a constitutional entitlement – one that requires legal backing similar to the SCSP/DAPSC legislation enacted in Andhra Pradesh, Telangana and Karnataka, creating enforceable obligations rather than discretionary benefits.

Third, intersectional and targeted interventions must replace the current generalised category-based approach. Schemes cannot assume homogeneous experiences within broad categories; they must explicitly recognise the compound disadvantages faced by those at the intersection of multiple marginalised identities and address how caste, class, gender, religion, disability and geography interact to produce distinctive forms of exclusion. Fourth, more and better data are needed to accurately inform policy interventions. The census must be conducted with strict regularity and the lives of marginalised communities documented in ways that understand, respect and build on their diverse identities. Between census rounds, citizen data practices<sup>18</sup> and their applications in official policymaking deserve closer study to consider their potential adoption in India.

Fifth, proactive documentation support is crucial, particularly for DNTs, PVTGs, Muslims and those displaced by development projects who lack identity

<sup>18</sup> Recognising data gaps in reaching the most vulnerable populations for SDG implementation, the UN Statistical Commission launched the Collaborative on Citizen Data at the 4th UN World Data Forum in 2023. It is a multi-stakeholder platform to make data more inclusive, accountable and effective, facilitating communities to generate data that reflects their perspectives and needs.

papers required to access schemes. Current systems penalise the most marginalised for documentation gaps created by historical exclusion and displacement. Finally, genuine participatory planning processes must replace top-down beneficiary selection. This requires reviving the institutional architecture of community mobilisers and planners who understand local contexts, restoring fiscal and functional autonomy to local governments with empowered representatives from marginalised communities, and creating spaces for communities to articulate their own priorities rather than merely receive predetermined interventions. Without these systemic changes, inclusion-oriented policies risk remaining accounting exercises that legitimate continued structural inequity.

Towards meeting the constitutional goals of equity and social justice, we outline in Box 3.2 a nascent framework of broad principles within which to assess, design and evaluate policies for social inclusion.

### Box 3.2: 5R Framework for social justice and inclusion

Dimension	Indicators
<b>Recognition</b>	<ul style="list-style-type: none"> <li>● Naming the social groups that are excluded</li> <li>● Recognising the                             <ul style="list-style-type: none"> <li>- root causes of social exclusion</li> <li>- form and nature of social exclusion</li> <li>- magnitude of the issue in terms of population groups, development inequalities, participation inequalities etc.</li> </ul> </li> </ul>
<b>Respect</b>	<ul style="list-style-type: none"> <li>● Respect                             <ul style="list-style-type: none"> <li>- the identity and culture, practices of the excluded groups</li> <li>- the contribution and leadership of the socially excluded communities in the national growth and development</li> </ul> </li> <li>● Ensure dignity when rights and entitlements are implemented</li> </ul>
<b>Representation</b>	<ul style="list-style-type: none"> <li>● Proportionate representation in                             <ul style="list-style-type: none"> <li>- various social and public spaces</li> <li>- leadership and decision-making spaces</li> </ul> </li> <li>● Representation of the concerns and issues in the dialogues, policies, provisions</li> </ul>
<b>Reparation</b>	<ul style="list-style-type: none"> <li>● Adequate and effective legislative and other measures to                             <ul style="list-style-type: none"> <li>- address historical social and economic disadvantages</li> <li>- promote social inclusion</li> </ul> </li> <li>● Updated measures to meet the dynamic process of social exclusion-inclusion</li> </ul>
<b>Reclamation</b>	<ul style="list-style-type: none"> <li>● Public education for promoting social inclusion</li> <li>● Formal and informal public spaces for social interface across excluded and dominant sections</li> <li>● Active social inclusion measures based on experiential learning</li> <li>● Cultural and social interface based on mutual respect and dignity</li> </ul>

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